SHRI NAMO NARAIN MEENA: Okay, whatever the case be. The subject matter is not related to my Ministry. I appreciate and agree with you. I will convey your concern to the relevant Ministry. ...(*Interruptions*)...

Shortcomings in TRAI Act

*103. SHRI RAJEEV CHANDRASEKHAR: Will the Minister of COMMUNICATIONS AND INFORMATION TECHNOLOGY be pleased to state:

(a) whether the Telecom Regulatory Authority of India (TRAI) Act which came into being in 1997 and in which many amendments have already been made, still has many shortcomings for which further amendments are required;

(b) if so, whether the shortcomings have been indentified by Government;

(c) if so, the details thereof; and

(d) by when, necessary amendments are proposed to be made in the said Act?

THE MINISTER OF COMMUNICATIONS AND INFORMATION TECHNOLOGY (SHRI A. RAJA): (a) to (d) A Statement is laid on the Table of the House.

Statement

(a) to (c) TRAI Act, 1997 was amended once in January, 2000 by the Telecom Regulatory Authority of India (Amendment) Act, 2000. Subsequently a proposal has been received from TRAI for certain amendments to TRAI Act, 1997, to address various issues relating mainly to more operational freedom to TRAI and administration of broadcasting services.

(d) The amendments proposed by TRAI in the TRAI Act, 1997 requires inter-ministerial consultation before finalization of Government's views in this regard. No definite time-frame can, therefore, be given for carrying out the proposed amendment or otherwise.

SHRI RAJEEV CHANDRASEKHAR: Sir, one of the promises made by the UPA Government, when it took office in 2004, was that it would review and strengthen the independent regulatory institutions, including telecom. The reason for this was obvious. It is clear that some of the regulatory institutions, more specifically, the one in telecom sector, have clearly not lived up to expectations in both, independence and quality. Unfortunately, very little has been done in this regard. Therefore, I would respectfully submit to the hon. Minister and push him for some specific answers. So, my first supplementary is that section 11 of the TRAI Act provides for an accord— "The authority shall ensure transparency while exercising its powers in discharging its functions". I would submit that there is very little clarity on it really means *vis-a-vis* the responsibility of the TRAI. So, would the hon. Minister think it appropriate that the Act be amended to provide clarity on this section and to provide a stronger and more vigorous oversight of the Parliament on the TRAI.

SHRI A. RAJA: Sir, it is needless to submit before the House that TRAI is a Body which is constituted under a statute. Section 11 provides how the recommendations of the TRAI can be accepted and admitted by the Government as soon as it received the recommendations. So far as the recommendations made by the TRAI are concerned, most of the recommendations were accepted by the Government. In case any deviation between the Ministry and the TRAI Regulator is there, the matter can be remitted to the TRAI by virtue of section 11. Such a case does not arise. If it arises, then, it will be remitted back to the TRAI. So, I do not think that, as such, section 11 needs any further amendment.

SHRI RAJEEV CHANDRASEKHAR: Sir, I would respectfully disagree with the Minister, but I hope that this can be further discussed. But, let me put a second supplementary which

arises from a very interesting episode. Recently, a few telecom operators got together and raised the consumer prices almost simultaneously indicating to almost any casual observer that there was, perhaps, a case of collusion. But the Regulator dismissed this by calling it, for the first time, I heard this word, 'cooperative pricing'. Sir, is it not, again, a case to be made that the TRAI Act should provide for more punitive powers to the Regulator to prevent such collusive, and, sort of, abuse of market power kind of strategies by the operators?

SHRI A. RAJA: Sir, by virtue of section 11(3), no doubt the Regulator; TRAI is competent to advise or give recommendations in terms of tariff. Fortunately or unfortunately, the recommendations or feelings of the TRAI so far are that it does not want to give any tariff since it wanted to stick to the concept of forbearance. The concept of forbearance may, as the hon. Member put it before the House, 'may' lead or prompt them to have a cartel within the operators. This point was well taken by me. If it is necessary, I will have consultation with the TRAI, and the matter can be referred to the TRAI for any further directions.

श्री अमर सिंह: सभापति महोदय, मैं आपके माध्यम से माननीय मंत्री जी से पूछना चाहूंगा कि भारती एयरटेल, वोडाफोन और आइडिया इन तीनों कम्पनियों ने मिलकर क्या एसटीडी का रेट 20 प्रतिशत और इंटरनेशनल कॉल्स का रेट 21 प्रतिशत बढ़ा दिया है। अभी हमारे साथी सांसद राजीव चन्द्रशेखर जी ने कोआपरेटिव प्राइसिंग और cartel की बात कही है। मैं आपके माध्यम से माननीय मंत्री जी से यह जानना चाहूंगा कि TDSAT or TRAI की राय में और आपके मंत्रालय की राय में तीन औद्योगिक समूहों द्वारा दाम को निर्धारित करना क्या यह cartel है या सहकारिता आंदोलन है?

SHRI A. RAJA: Sir, this question relates to the amendments in the TRAI Act. As I put it earlier, the tariff is not decided by the TRAI. All the operators and service providers have their own liberty to give various packages in various names. The subscriber is at liberty to catch any one of the packages being announced by the various operators. If anything is discriminatory with regard to specific operator or specific service provider, let me know what is the discrimination, I will refer the matter to the TRAI and solve it.

DR. K. MALAISAMY: Thank you, Mr. Chairman, Sir. Many times, changes and reviews are warranted periodically in terms of organisation, manpower, objective, operation, etc. these kinds of changes are quite essential. This is much more so in IT and communication; thanks to technological development etc. While doing so, I would like to know whether there is any committee which is likely to go and take a comprehensive view of all those things and suggest a wholesale amendment so that it can be nailed at one stroke.

SHRI A. RAJA: Sir, the proposed amendments are pending with the Ministry. Of course, they are not exclusively within the domain of the Ministry. They need multi-ministerial consultations. The very major salient feature of the amendment, which is pending before the Ministry is in regard to the definition of the licensee. In order to bring all these service providers in terms of cable TV operators and broadcasting network under the ambit of the TRAI Act, consultations are going on. The comments of the Ministry of Information and Broadcasting are being sought. We are waiting for that. Similarly, consultations are also going on with the Finance Ministry and the Law Ministry which are having a little bit of relevance with it. So, when all these inter-Ministerial consultations are over, only then can we take a decision. But the proposed amendments are pending with me, which means, the matter has been referred to the various Ministries which are stakeholders.

SHRI GIREESH KUMAR SANGHI: Sir, I would like to know from the hon. Minister what is the total spectrum allocated to the private operators till now and how much is still available to be allocated. I would further like to know whether the left-over spectrum would be allocated to the new entrants so that the competition can improve.

SHRI A. RAJA: Sir, the main question is not related to spectrum. In spite of that, I can submit to the House that so far 100 MHz is earmarked for 2G in India. Out of 100 MHz, only 37—40 MHz is being used by all the existing operators. Some of the spectrum is available and some of the spectrum is being used by user-agencies in the name of Defence, and in the name of Air Force etc. So, the Prime Minister was pleased to constitute a Committee under the chairmanship of External Affairs Minister to see how we can get back that spectrum from the user agencies by giving alternative mode of usage. It is going on. I can assure the House that as soon as the spectrum is available, the new service-providers will be allowed. There is no hesitation. The Prime Minister is very keen, his Government is very keen and committed for healthy competition in this field, which will reflect ...*(Interruptions)*... The Government is keen to have a healthy competition. ...*(Interruptions)*... I can assure the House that the Government, and the Prime Minister, is committed to have a healthy competition in the telecom sector which will reflect lower tariff and give more teledensity.

SHRI GIREESH KUMAR SANGHI: Sir, the reports are that the existing operators are trying to corner it ...*(Interruptions)*...

MR. CHAIRMAN: Please; only one supplementary is allowed. Next Question. Question No. 104.

Grant of carbon credits to domestic companies

*104. SHRIMATI PREMA CARIAPPA:††
SHRI SANTOSH BAGRODIA:

Will the PRIME MINISTER be pleased to state:

(a) whether Government has set up any national level mechanism to calculate and grant carbon credits to domestic companies;

(b) whether Government have made any estimates of the potential for domestic industry in carbon trade;

(c) if so, the details thereof, State-wise; and

(d) whether Government propose to hold capacity building programme for the private and public industries in carbon trade?

THE MINISTER OF STATE IN THE MINISTRY OF ENVIRONMENT AND FORESTS (SHRI NAMO NARAIN MEENA): (a) to (d) A Statement is laid on the Table of the House.

Statement

(a) to (d) The Government of India has set up the National Clean Development Mechanism (CDM) Authority which is the designated National Authority for according Host Country Approval to eligible projects. Further validation of projects, including calculation of Certified Emission Reductions (CERs), is undertaken by the Designated Operational Entities (DOEs). Based on DOE recommendations, the Carbon Credits are issued by the CDM Executive Board (EB), by following the stipulated procedure.

As per National Strategy Study conducted in the year 2005, estimates of the potential for domestic industry with regard to generation of Certified Emission Reductions (CERs) are around 417 million tonnes of carbon-dioxide equivalent ($MtCO_2eq$) by the end of first commitment period of Kyoto Protocol i.e. 2012. Sector-wise break-up is as follows—Power generation —319 $MtCO_2eq$, Transport—41$MtCO_2eq$, Industries—57 $MtCO_2eq$.

††The question was actually asked on the floor of the House by Shrimati Prema Cariappa.